

Entered 10-13-03 - sb
CL 03L0826 - GWENDOLYN BURNS

03- R-1934

CLAIM OF: ALLSTATE INSURANCE COMPANY
as subrogee of Elizabeth Hendricks
P.O. Box 168288
Irving, Texas 75016

For vehicular damages alleged to have been sustained
from an automobile accident on July 1, 2003 at
Habersham Road, NE & West Paces Ferry Road, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 11/10/03

CHAR: _____

NOV 17 2003



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

November 17, 2003

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Allstate Insurance Company As Subrogee Of
Elizabeth Hendricks
Attn: Shunda B. Dixon
P.o. Box 168288
Irving, Texas 75016

03-R-1934

Dear Ms. Dixon:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 17, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,
Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0826

Date: October 28, 2003

Claimant /Victim ELIZABETH HENDRICKS
BY: (Atty) (Ins. Co.) ALLSTATE INSURANCE COMPANY
Address: P.O. Box 168288, Irving, Texas 75016
Subrogation: Claim for Property damage \$ 3,347.25 Bodily Injury \$
Date of Notice: 10/9/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/1/03 Place: Habersham Road, NE & West Paces Ferry Road, NW
Department PARKS, RECREATION & CULTURAL AFFAIRS Bureau Parks
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when she rear-ended a City vehicle that was stopped at a traffic light. However, an investigation determined that the Claimant drove through a restricted area and struck a City vehicle that was engaged in removing a fallen tree from the roadway.

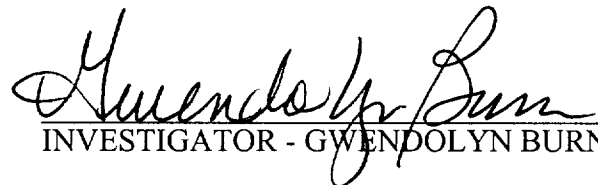
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

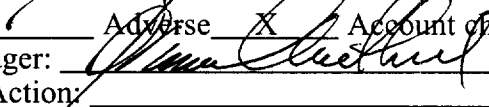
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager:  Concur/date 10/30/03
Committee Action: Council Action

RCS# 5155
11/17/03
3:51 PM

Atlanta City Council

Regular Session

CONSENT I

EXCEPT:03-R-1973,03-R-1974,1981,1834,
03-R-1801,03-R-1878 03-R-1879, 03-R-1971
ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

		11-17-03 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1812 2. 03-O-1802 3. 03-O-1958 4. 03-O-1959 5. 03-O-1960 6. 03-O-1961 7. 03-O-1962 8. 03-O-1963 9. 03-O-1809 10. 03-O-1957 11. 03-O-1862 12. 03-O-1868 13. 03-O-1699 14. 03-O-1805 15. 03-O-1806 16. 03-O-1807 17. 03-O-1813 18. 03-O-1871 19. 03-O-1966 20. 03-R-1477 21. 03-R-1877 22. 03-R-1952 23. 03-R-1886 24. 03-R-1882 25. 03-R-1883 26. 03-R-1884 27. 03-R-1885 28. 03-R-1980 29. 03-R-1972 30. 03-R-1982 31. 03-R-0929 32. 03-R-0982 33. 03-R-1665 34. 03-R-1889 35. 03-R-1891 36. 03-R-1892 37. 03-R-1893 38. 03-R-1894 39. 03-R-1900 40. 03-R-1953 41. 03-R-1975	42. 03-R-1902 43. 03-R-1903 44. 03-R-1904 45. 03-R-1905 46. 03-R-1906 47. 03-R-1907 Items Adversed on consent 48. 03-R-1908 49. 03-R-1909 50. 03-R-1910 51. 03-R-1911 52. 03-R-1912 53. 03-R-1913 54. 03-R-1914 55. 03-R-1915 56. 03-R-1916 57. 03-R-1917 58. 03-R-1918 59. 03-R-1919 60. 03-R-1920 61. 03-R-1921 62. 03-R-1922 63. 03-R-1923 64. 03-R-1924 65. 03-R-1925 66. 03-R-1926 67. 03-R-1927 68. 03-R-1928 69. 03-R-1929 70. 03-R-1930 71. 03-R-1931 72. 03-R-1932 73. 03-R-1933 74. 03-R-1934 75. 03-R-1935 76. 03-R-1936 77. 03-R-1937 78. 03-R-1938 79. 03-R-1939	80. 03-R-1940 81. 03-R-1941 82. 03-R-1942 83. 03-R-1943 84. 03-R-1944 85. 03-R-1945 86. 03-R-1946 87. 03-R-1947 88. 03-R-1948 89. 03-R-1949 90. 03-R-1950 91. 03-R-1951